

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

ANTONINA REUTOV,

Plaintiff,

v.

**TATANCA HEALTH CARE PLAN,
TATANCA HEALTH CARE PLAN
BOARD OF TRUSTEES,** dba Omnis
Benefit Administrator,

Defendants.

Case No. 3:20-cv-01181-AC

OPINION AND ORDER

MOSMAN, J.,

On June 9, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [ECF 25], recommending that this court deny Defendants’ Motion to Dismiss or, in the Alternative, Transfer Venue [ECF 15]. No objections were filed. Upon review, I agree with Judge Acosta. I DENY the motion.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [ECF 25]. I DENY Defendants' Motion to Dismiss or in the Alternative Transfer Venue [ECF 15].

IT IS SO ORDERED.

DATED this 11 day of September, 2021.


MICHAEL W. MOSMAN
United States District Judge